

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION

vs.

DIANE KWOLEK, N.A.

A.H. FILE NO. (HSR) 2005-35

INTERIM ORDER

This matter came on for hearing on February 15, 2006 upon allegations of unprofessional conduct as set forth in § 23-17.9. The Respondent is a certified nursing assistant who is alleged to have stolen or converted money and/or credit cards from two elderly patients for whom she was providing homecare.

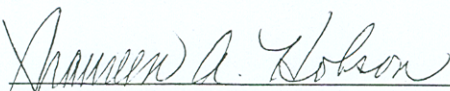
The Respondent disputes the charges and appeared at hearing with legal counsel.

Prior to commencement of the hearing, the parties conducted a pre-hearing conference. At the pre-hearing conference, it was noted that the Respondent is presently charged with criminal violations of Rhode Island law based upon the same circumstances as caused the issuance of the within Administrative Hearing Notice. The Respondent requested that the Department of Health hearing be held in abeyance pending resolution of the criminal charges. The State refused to acquiesce in continuing this matter unless the Respondent was prevented from working as a nursing assistant or home health aide in the meantime.

Based upon the foregoing, it was agreed that this Hearing Officer would enter the following **ORDER**:

1. The within case brought by the Department of Health may be held in abeyance pending resolution of the criminal charges pending against the Respondent; and
2. In the meantime, the Respondent is not permitted to engage in providing nursing assistant or home care services to any person or facility in this or any other state; and
3. If Respondent does engage in providing such services, her license as a nursing assistant shall be subject to immediate revocation; and
4. The Respondent shall immediately notify the Department of Health upon resolution of the criminal charges pending against her, at which time the within case at the Department of Health will be re-opened for further administrative proceedings; and
5. It was specifically agreed that neither party waives the right to prosecute upon and defend against the charges set forth in the Administrative Hearing Notice dated August 25, 2005.

Entered this 16th day of February 2006.



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CERTIFICATION

I hereby certify that I have mailed a copy of the within INTERIM ORDER to John McBurney, Jr., McBurney Law Services, Inc., 100 Cottage Street, Pawtucket, RI 02860 on this 16th day of February 2006.

Carole A. Allsworth